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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/153,369	09/15/1998	JAMES P. KETRENOS	INTL-0075-US	5432

21906 7590 08/10/2004

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HOUSTON, TX 77024

EXAMINER
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LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 08/10/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/153,369

Applicant(s)

KETRENOS, JAMES P.

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-15 and 17-37 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 9-12, 21-27, 30 and 31 is/are allowed.  
6) ☒ Claim(s) 1-3, 6, 8, 13-15, 18, 19, 28, 29, 32, 33 and 35-37 is/are rejected.  
7) ☐ Claim(s) 5, 7, 17, 20, and 34 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 5/17/04 have been fully considered but they are not persuasive.

1) Applicant argues that the combination of references is not patently permissible, and that the office action is vague as to what the application and video server is, and that the plug-in can not be the application because it provides the video upon request from some other entity, thus the discussion in the office action regarding the crashing plug-in is irrelevant since the claims for a situation in which only the crashing of the application requesting the video is pertinent (response page 8).

Regarding applicant's argument 1, Semenzato's plugin in body 114b is the first application which works in conjunction with a web browser such as Netscape Navigator, the plugin is invoked by an HTML document which includes an EMBED tag which identifies the plug-in controller, the plug in controller invokes the plugin body (column 3, lines 36-54), the plugin retrieves and plays motion video and audio streams from a server for display in a window (column 8, lines 38-430), if the plugin crashes, access is maintained to the video stream as the connection data is saved in order to be made available to the next created instance of the plugin (column 7, line 35-column 8, line 43, figures 4 and 5) as required by claim 1. As Semenzato discloses that the plugin retrieves the motion video and audio streams for display in a window, and that the browser loads the plugin without a user making a request via the browser, but instead invoking it with the EMBED tag, the plug in itself makes the request for the video.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 2, 6, 8, 12, 14, and 18 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,903,728 to Semenzato.
2. Regarding claims 1 and 13, Semenzato discloses a method for accessing a video stream via a web browser with a video player plugin, the browser and plugin are run as two separate processes with the plugin retrieving and playing video streams from a video server, if the plugin crashes, access is maintained to the video stream as the connection data is saved in order to be made available to the next created instance of the plugin (column 7, line 35-column 8, line 43, column 9, lines 4-45).
3. Regarding claims 2 and 14, Semenzato discloses detecting when the first application fails (column 7, line 35-column 8).
4. Regarding claims 6 and 18, Semenzato discloses that the plugins are run as separate processes and are stored in different memory spaces (Figures 2C and 3, column 6, lines 43-64).
5. Regarding claim 8, Semenzato discloses that the plug in applications are responsible for accessing the video server (column 7, line 35-column 8, line 43, column

9, lines 4-45). The video servers disclosed in Semenzato inherently contains software for accessing the video stack, as without such software, no data could be transferred between the server and a client application.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,903,728 to Semenzato in view of U.S. Patent 5,440,726 to Fuchs.

8. Regarding claims 3 and 15, Semenzato discloses a method for accessing a video stream via a web browser with a video player plugin, the browser and plugin are run as two separate processes with the plugin retrieving and playing video streams from a video server, if the plugin crashes, access is maintained to the video stream as the connection data is saved in order to be made available to the next created instance of the plugin (column 7, line 35-column 8, line 43, column 9, lines 4-45).

Semenzato does not disclose the monitoring of an exception handler to detect a crash.

Fuchs discloses a system which monitors errors in an application via watchdog, it then rolls back to various checkpoints in the processes and reconstructs the data from

where the exception occurred in order to restore the original state of the application (column 7, line 40-column 8, line 16, column 9, lines 11 -36).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Semenzato to monitor an exception handler as taught by Fuchs in order to allow rapid recovery of a crashed application so that the crash and restoration of an application would be transparent to the user.

9. Claims 28, 29, 32, 33 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,903,728 to Semenzato in view of U.S. Patent 6,404,975-B1 to Bopardikar.

10. Regarding claims 28, 29, 32, 33 and 35-37, Semenzato discloses a method for accessing a video stream via a web browser with a video player plugin, the browser and plugin are run as two separate processes with the plugin retrieving and playing video streams from a video server, if the plugin crashes, access is maintained to the video stream as the connection data is saved in order to be made available to the next created instance of the plugin (column 7, line 35-column 8, line 43, column 9, lines 4-45).

Semenzato is silent regarding shutting down the video stack.

Bopardikar discloses a video storage system which uses data striping across multiple hard disks to store video, when a failure occurs, the video stack is shut down in order for a healing procedure to be preformed, to remedy the problem and prevent the corruption of data (column 5, lines 22-49, column 26, line 23-column 27, line 25).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Semenzato to shut down the video stack upon detection of a crash, in order to prevent the data from being corrupted as taught by Bopardikar.

***Allowable Subject Matter***

Claims 5, 7, 17, 20, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose nor sufficiently suggest a method of accessing a television video stream, as claimed in claims 9 and 30, which connects an application to a TV server using a window which operates in a separate address space, monitoring the application for a crash while accessing the stream, when the application crashes, shutting down the video stack and a capture card.

U.S. Patent 5,903,728 to Semenzato discloses a method for accessing a video stream via a web browser with a video player plugin, the browser and plugin are run as two separate processes with the plugin retrieving and playing video streams from a video server, if the plugin crashes, access is maintained to the video stream as the connection data is saved in order to be made available to the next created instance of the plugin (column 7, line 35-column 8, line 43, column 9, lines 4-45). Semenzato fails to disclose connecting to a TV server, shutting down a video stack and a capture card as claimed by applicant.

U.S. Patent 6,404,975-B1 to Bopardikar discloses a video storage system which uses data striping across multiple hard disks to store video, when a failure occurs, the video stack is shut down in order for a healing procedure to be preformed, to remedy the problem and prevent the corruption of data (column 5, lines 22-49, column 26, line 23-column 27, line 25). Bopardikar fails to disclose a TV server, a window that operates in a separate address space and shutting down a video capture card as claimed by applicant.

The prior art of record does not disclose nor sufficiently suggest a medium which contains instructions to cause a computer to access a television video stream, as claimed in claim 21, which connects an application to a TV server using a window which operates in a separate address space, monitoring the application for a crash while accessing the stream, when the application crashes, shutting down the video stack and a capture card.

U.S. Patent 5,903,728 to Semenzato discloses a method for accessing a video stream via a web browser with a video player plugin, the browser and plugin are run as two separate processes with the plugin retrieving and playing video streams from a video server, if the plugin crashes, access is maintained to the video stream as the connection data is saved in order to be made available to the next created instance of the plugin (column 7, line 35-column 8, line 43, column 9, lines 4-45). Semenzato fails to disclose connecting to a TV server, shutting down a video stack and a capture card as claimed by applicant.



U.S. Patent 6,404,975-B1 to Bopardikar discloses a video storage system which uses data striping across multiple hard disks to store video, when a failure occurs, the video stack is shut down in order for a healing procedure to be preformed, to remedy the problem and prevent the corruption of data (column 5, lines 22-49, column 26, line 23-column 27, line 25). Bopardikar fails to disclose a TV server, a window that operates in a separate address space and shutting down a video capture card as claimed by applicant.

The prior art of record does not disclose nor sufficiently suggest a computer system with a tuner card and processor, a memory which stores a program causing a computer to access a television video stream, as claimed in claim 25, which connects an application to a TV server using a window which operates in a separate address space, monitoring the application for a crash while accessing the stream, when the application crashes, shutting down the video stack and a capture card.

U.S. Patent 5,903,728 to Semenzato discloses a method for accessing a video stream via a web browser with a video player plugin, the browser and plugin are run as two separate processes with the plugin retrieving and playing video streams from a video server, if the plugin crashes, access is maintained to the video stream as the connection data is saved in order to be made available to the next created instance of the plugin (column 7, line 35-column 8, line 43, column 9, lines 4-45). Semenzato fails to disclose connecting to a TV server, shutting down a video stack and a capture card as claimed by applicant.

U.S. Patent 6,404,975-B1 to Bopardikar discloses a video storage system which uses data striping across multiple hard disks to store video, when a failure occurs, the video stack is shut down in order for a healing procedure to be preformed, to remedy the problem and prevent the corruption of data (column 5, lines 22-49, column 26, line 23-column 27, line 25). Bopardikar fails to disclose a TV server, a window that operates in a separate address space and shutting down a video capture card as claimed by applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 9-12, 21-27 30 and 31 are allowed.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,278,838 to Ng: Recovery From Errors in a Redundant Array of Disk Drives.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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HBL



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PRIMARY EXAMINER